

Mary C. Richardson (Bar No. 208586)
Port Attorney
mrichrdson@portoakland.com
Kimberly I. McIntyre (Bar No. 184648)
Deputy Port Attorney
kmcintyre@portoakland.com
PORT OF OAKLAND
530 Water Street
Oakland, California 94607
Tel: (510) 627-1572 / (510) 627-1205

Eugene M. Pak (Bar No. 168699)
epak@fennemorelaw.com
FENNEMORE WENDEL
1111 Broadway, 24th Floor
Oakland, California 94607
Tel: (510) 834-6600 / Fax: (510) 834-1928

Stephen C. Willey (Bar No. 209164)
swilley@fennemorelaw.com
Brandi B. Balanda (*Pro Hac Vice*)
bbalanda@fennemorelaw.com
Christopher J. Lindemeier (*Pro Hac Vice*)
clindemeier@fennemorelaw.com
FENNEMORE CRAIG, P.C.
1425 Fourth Avenue, Suite 800
Seattle, Washington 98101
Tel: (206) 749-0500 / Fax: (206) 749-0500

Attorneys for Defendant and Counterclaimant City of
Oakland, a municipal corporation, acting by and
through its Board of Port Commissioners (Port of
Oakland)

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

CITY AND COUNTY OF SAN
FRANCISCO,

Plaintiff,

v.

CITY OF OAKLAND AND PORT OF
OAKLAND,

Defendants.

Case No. 3:24-cv-02311-TSH

**DECLARATION OF JOHN
ALBRECHT**

Date: November 7, 2024
Time: 10:00 AM
Courtroom: E – 15th Floor
Trial Date: (None Set)

1 CITY OF OAKLAND, A MUNICIPAL
2 CORPORATION, ACTING BY AND
3 THROUGH ITS BOARD OF PORT
COMMISSIONERS (PORT OF OAKLAND),

4 Counterclaimant,

5 v.

6 CITY AND COUNTY OF SAN
7 FRANCISCO,

8 Counterclaim Defendant.

9 I, John Albrecht, declare as follows:

10 1. I am over the age of 18 years and am competent to testify. I make this
11 declaration based on personal knowledge unless otherwise stated herein.

12 **My Background**

13 2. I am the Aviation Marketing Manager (“AMM”) for the Port of Oakland’s
14 Aviation Division. I have served in this role for over sixteen years, since 2008.

15 3. As AMM, I head the Port’s marketing and communications department for its
16 airport, the San Francisco Bay Oakland International Airport (the “Airport” or “OAK”). As
17 such, I lead teams in the development and implementation of consumer-facing marketing
18 strategies and brand campaigns for the Airport, including managing air service development,
19 advertising, and public engagement. Given my work as AMM, I am familiar with Airport
20 business matters, records and files, industry engagement and relationships, and the broader
21 commercial aviation market.

22 4. My role as AMM is a continuation of a forty-year career in the aviation industry
23 during which I have also worked as Manager of Airline Business at the Reno-Tahoe Airport
24 Authority, Vice President for North America & Pacific at Aloha Airlines, Director of Airport
25 Affairs for Reno Air, and Director of Customer Services for PSA Airlines. My work in these
26 positions and my broad industry experience enable me to evaluate input from airlines and other
27

1 industry players, and to understand what travelers look for when deciding where to travel, as
2 well as how to effectively market airports to address travelers' interests and needs.

3 5. In November 2022, I received the Ted Bushelman Legacy Award for Creativity
4 and Excellence from Airports Council International North America (ACI-NA). I was the first
5 person from California to receive this lifetime achievement award. Attached hereto as **Exhibit**
6 **A** is a true and correct copy of the ACI-NA's list of award recipients over the years, which is
7 available at: [ACI-NA - Ted Bushelman Legacy Award for Creativity and Excellence \(secure-](https://www.aci-na.org/Ted-Bushelman-Legacy-Award-for-Creativity-and-Excellence-secure-platform.com)
8 [platform.com\)](https://www.aci-na.org/Ted-Bushelman-Legacy-Award-for-Creativity-and-Excellence-secure-platform.com).

9 **OAK's Distinct Identity and Branding**

10 6. The Airport sits on the shores of the San Francisco Bay. Given its geographic
11 location, OAK is exceptionally situated to be an especially convenient option for air travel into
12 and out of the Bay Area. This is a prime feature of the Airport that is important to effectively
13 communicate to Bay Area residents and potential visitors outside of California and beyond.

14 7. The Port's goal is to present and market OAK as a distinct choice for air travel
15 into and out of the San Francisco Bay Area. In this regard, we focus on OAK's location, the
16 convenience that it offers passengers, and we promote OAK as an efficient and hassle-free
17 option for traveling through an airport to destinations throughout the Bay Area.

18 8. During my time as AMM, the Port has worked to build OAK's identity and
19 associated branding. Shortly after I joined the Port, we developed the I Fly OAK logo that
20 leverages the Airport's unique and ubiquitous IATA code – OAK – to identify, define, and
21 promote the Airport. Below is an accurate depiction of that logo, one in black and white, and
22 one in color:



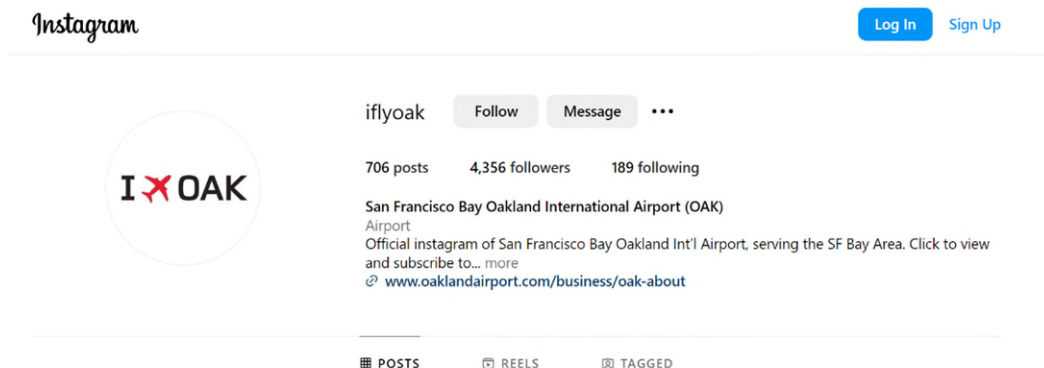
9. Over the past fifteen years, we have used the iconic I Fly OAK logo and branding on signs throughout the Airport, on our website, in digital and print marketing materials, in ad campaigns, and at industry events. We continue to do so and have no plans to stop.

10. We were also early adopters among airports of social media marketing, and have used – and continue to use – the I Fly OAK logo throughout our social media accounts, posts, and online presence.

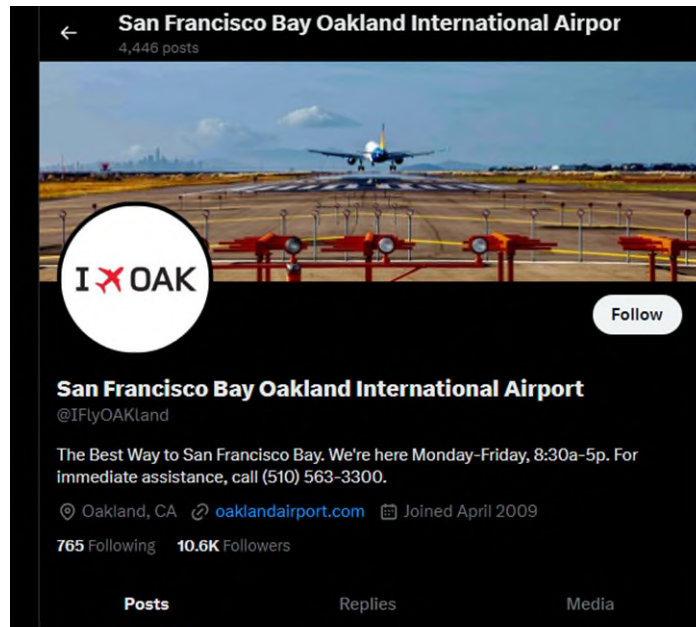
11. For example, below is an accurate screenshot of the Airport's current Facebook page header, where we continue to feature the I Fly OAK logo:



12. As another example, here is an accurate screenshot of the Airport's current Instagram page header:



13. Below is an accurate screenshot of the Airport's X (formerly Twitter) current page header when the account is viewed while not logged into X:



14. Below is an accurate screenshot of the Airport's current website home page (www.iflyoak.com):



1 15. The Port's focus is on promoting a distinctive and recognizable identity for
2 OAK that leverages OAK's unique strengths and characteristics. For example, in our digital
3 and printed materials, videos, and advertisements we emphasize OAK's convenience and ease
4 of use.

5 16. OAK offers a different choice for air travel into and out of the Bay Area, and we
6 seek to capitalize on that and highlight the benefits of flying through OAK. We are not seeking
7 to "copy" the airport experience offered by SFO (the San Francisco International Airport) or to
8 copy or replicate SFO's name or branding. Nor do we want passengers to think that OAK is
9 owned, operated by, or affiliated with the City and County of San Francisco. And we are not
10 somehow trying to "denigrate" SFO.

11 **Marketing OAK's San Francisco Bay Location**

12 17. Over the years, we have accompanied our efforts to build OAK's brand with
13 messaging to communicate that OAK serves the San Francisco Bay Area, and is a convenient
14 gateway for travel into and out of the entire region.

15 18. In this regard, along with the I Fly OAK logo, in 2009 we also developed and
16 began using this logo with two different, additional taglines: Fly the East Bay Way, and The
17 Best Way to San Francisco Bay. Below is an accurate depiction of the I Fly OAK logo with the
18 tagline The best way to San Francisco Bay:



20 **The best way to San Francisco Bay.**

21 19. For example, attached hereto as **Exhibit B** is a true and correct copy of an
22 advertisement we used in 2009.

23 20. In the Port's video media campaigns, we highlighted OAK's convenient location
24 on San Francisco Bay. For example:
25
26
27

1 a. In 2011, the Port celebrated Spirit Airlines launching nonstop service to
 2 Las Vegas using “The Best Way to San Francisco Bay” branding in its promotional video. An
 3 accurate copy of that video can be viewed at: www.youtube.com/watch?v=Jp1RQMJ2fJw.

4 b. In 2014, the Port published a video ad for OAK that emphasized the
 5 Airport’s convenience, and how it “is located in the heart of the San Francisco Bay.” An
 6 accurate copy of that video can be viewed at: www.youtube.com/watch?v=HZiRGGY8UXg.

7 c. In 2017, OAK’s promotional video starts by identifying that the Airport
 8 is “located on San Francisco Bay.” An accurate copy of that video can be viewed at:
 9 www.youtube.com/watch?v=EhNWVGugEjg.

10 d. In 2021, OAK’s promotional video emphasized the Airport’s
 11 convenience and time one can save if they choose to fly out of OAK. An accurate copy of that
 12 video can be viewed at: ["What will you do with the extra hour?" \(youtube.com\)](https://www.youtube.com/watch?v=What%20will%20you%20do%20with%20the%20extra%20hour%3F).

13 21. In our press releases and print media campaigns, we regularly point out that the
 14 Airport serves the San Francisco Bay Area or is located on San Francisco Bay. See, for
 15 example, **Exhibit C**, which contains true and correct copies of Port press releases that include
 16 or feature that OAK serves the San Francisco Bay Area or is conveniently located on San
 17 Francisco Bay.

18 **Impact of Lack of Traveler Familiarity with OAK’s Geographic Location**
 19 **on Route Development**

20 22. Despite the Airport’s geographic location in the heart of the San Francisco Bay
 21 Area, and the local population base that it is well positioned to serve, OAK has faced
 22 difficulties attracting and maintaining nonstop routes.

23 23. For almost a decade, the Aviation Division worked on this issue, including by
 24 engaging consultants to study facets of the problem and potential solutions, working with
 25 catchment data and related travel information, and through discussions with airlines and others.
 26 In this regard, I worked with consultants on route and passenger analysis, and with others
 27 regarding studies of consumer awareness of OAK’s geographic location among those who live

1 outside of the Bay Area, California, and beyond. I have also talked with many airline
2 representatives regarding their input and perspective.

3 24. The underlying issue was a lack of consumer awareness of the Airport's central
4 location on the San Francisco Bay which can suppress strong in-bound passenger demand. This
5 is discussed in more detail in the Declaration of Dr. Sabine Reim. At a high level, the right mix
6 of passenger demand is needed to make airline routes financially sustainable. The lack of
7 awareness among people outside of the area that OAK is centrally located in the San Francisco
8 Bay Area creates challenges in establishing the necessary passenger revenue composition for
9 route development and maintenance.

10 25. I also understand that airlines, online travel agents, and other flight search
11 websites use data feeds and/or their own algorithms and sorting rules to display flight search
12 results, which may involve alphabetical and/or area groupings and/or the use of back-end codes
13 or rules such that OAK flights are not always displayed when people search for flights using
14 "San Francisco Bay" or "San Francisco" as keywords.

15 26. So, if there is sufficient outbound demand for a flight to a certain destination –
16 that is, enough people in the Bay Area would use that route – the route needs revenue generated
17 by in-bound traffic as well to make it sustainable.

18 **Inclusion of OAK's Location on San Francisco Bay into the Airport's Name**

19 27. To help address this issue, and based upon airline input, we evaluated whether to
20 potentially recommend that the Port modify OAK's full name to bring awareness to the
21 Airport's central location in the San Francisco Bay Area and to help make routes to and from
22 OAK more readily appear as options in responses to searches for flights to the area.

23 28. In this regard, we considered several different potential changes to OAK's full
24 name.

25 29. I also spoke with airline representatives and other industry stakeholders and
26 received their input.

27

30. Ultimately, the Aviation Division, together with the Port's Executive Director, presented a recommendation at the Board of Port Commissioner's April 11, 2024 public meeting regarding replacing the word "Metropolitan" with "San Francisco Bay" to feature OAK's geographic location at the beginning of its full formal name. My understanding is that OAK's name had started with "Metropolitan" since around the mid-1950s.

31. The Airport's IATA code remains the same, and the Port continues to utilize and build upon its I Fly OAK logo and branding. Below is an accurate depiction of what the old logo and name looked like and what the proposed same logo and new name looked like:

Existing Logo



Proposed Logo



32. On May 9, 2024, the Board of Port Commissioners passed on second reading an Ordinance changing OAK's full name from the Metropolitan Oakland International Airport to the San Francisco Bay Oakland International Airport.

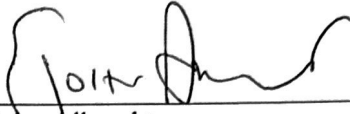
33. Ever since then, we have continued using OAK's I Fly OAK logo and branding on our website, social media accounts, signage, and marketing materials. We plan to continue doing so. We have invested substantially in this branding and featuring OAK remains central to our marketing and communication efforts and our identity.

///

///

1 I declare under penalty of perjury under the laws of the United States of America that
2 the foregoing is true and correct.

3 Executed on this 7th day of October, 2024 at MANAMA, KINGDOM OF BAHRAIN.

4 
5 _____
6 John Albrecht
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27